

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 8585

Investigation into Meteorological Tower at)
700 Kidder Hill Road in Irasburg, Vermont)

Order entered: 9/23/2015

ORDER OPENING INVESTIGATION
AND NOTICE OF HEARING

I. INTRODUCTION

On September 2, 2015, the Clerk of the Vermont Public Service Board ("Board") received a letter from the members of the Irasburg Selectboard concerning a meteorological tower located at 700 Kidder Hill Road in Irasburg, Vermont. The letter stated that the Selectboard found no evidence that the Board had issued a certificate of public good ("CPG") authorizing construction of the meteorological tower and asked that, if this was correct, the Board "refer this matter to the appropriate authorities for further evaluation and the initiation of appropriate legal action."

In comments filed September 11, 2015, the Department of Public Service ("Department") stated that it had concluded that the owner of the meteorological tower did not obtain a CPG from the Board prior to constructing the tower. The Department recommends that the Board open an investigation into the matter and provide the owner of the tower "an opportunity to show cause why he should not be subject to penalties under 30 V.S.A. § 30."

On September 10, 2015, counsel for David Blittersdorf, the owner of the tower, filed a letter stating that her client believed that the meteorological tower was not subject to the Board's jurisdiction. The letter further explained Mr. Blittersdorf's position that there was no incentive or potential gain from erecting a tower without first securing the necessary approvals.

Based upon the filings, the Board finds that it is appropriate to open an investigation into the issues raised by the Irasburg Selectboard's letter and the Department's comments. The Hearing Officer should examine the facts surrounding the construction of the meteorological tower and whether the tower was lawfully constructed, with particular attention to whether the

construction of the tower complied with the applicable requirements, if any, of Section 246 of Title 30. The Hearing Officer should report factual findings and also make recommendations, as warranted, as to what further action the Board should take in regard to this matter.

II. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. Pursuant to 30 V.S.A. §§ 30, 209, 246, 247, and 248, an investigation is opened into the factual circumstances and legality of the site preparation, construction, and operation of a meteorological tower located in Irasburg, Vermont, and owned by David Blittersdorf.

2. Pursuant to 30 V.S.A. § 8, George Young, Policy Director, is appointed to serve as the Hearing Officer to conduct the proceedings in this matter.

3. Pursuant to 30 V.S.A. § 10, a prehearing conference will be held before the Hearing Officer on Tuesday, October 6, 2015, at 9:30 A.M., in the Board's Hearing Room located on the 3rd floor of the People's United Bank Building, 112 State Street, Montpelier, Vermont.

Dated at Montpelier, Vermont, this 23rd day of September, 2015.

<u>s/James Volz</u>)	
)	
)	PUBLIC SERVICE
)	
<u>s/Margaret Cheney</u>)	BOARD
)	
)	OF VERMONT
<u>s/Sarah Hofmann</u>)	

OFFICE OF THE CLERK

FILED: September 23, 2015

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@vermont.gov)